IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.2581 OF 2004.

Rangrao Tukaram Suryawanshi
and others. ..Petitioners.

Vs.

Shamrao Baburao Chougule(Mohite)..Respondent.

Mr. P.D. Dalvi, Advocate for the Petitioners.

Mr. N. J. Patil, Advocate for the Respondent.

CORAM: R.C. CHAVAN, J.

DATED: 12th January, 2007.

P.C.:-

1. By this petition, the plaintiffs in R.C.S.No. 30 of 2002 before the learned Civil Judge, Junior Division, Vadgaon takes exception to the order passed by the 7th Additional District Judge, Kolhapur whereby the learned Additional District Judge vacated injunction granted in favour of the petitioner by the learned trial Judge. The learned counsel for the petitioners states that the learned trial Judge had rightly concluded that the petitioners had made out a case that they were in possession of the disputed portion and that the learned Judge of the Appellate Court

was not justified in setting aside that finding. The learned Additional District Judge had vacated injunction on 8th January, 2003. After this petition was filed, the petitioners were without any protection. According to the learned counsel for the petitioners, the petitioners have been successfully retaining their possession all these years though no injunction was operating in favour of the petitioners. Be that as it may, the order passed by the learned Additional District Judge does not show that he has misdirected himself to the materials placed before him or has come to wrong or perverse conclusions in respect of the possession of the property. The learned Additional District Judge has relied upon the statements recorded in the course of inquiry conducted by Circle Officer in respect of the possession of the field for the purpose of entries in 7-12 extract. It cannot be said that the conclusions drawn by the learned Additional District Judge are such as to warrant interference in writ jurisdiction under Article 227 of the Constitution of India. The petition is consequently

dismissed.

[R.C. CHAVAN, J]